

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alain H. CURAUDEAU et al.

Serial No.: 10/588,571

Filing Date: (Int'l.) February 4, 2005

For: **PHOTODYNAMIC THERAPY FOR THE
TREATMENT OF ACNE**

Confirmation No.: 8305

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

DECLARATION OF CHERIE DAVIS UNDER 37 CFR 1.47(A)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Cherie Davis, declare and state that:

1. I was employed from January 1998 to September 2007 as an IP Paralegal at QLT Inc., the assignee and real-party-in-interest for the above-referenced patent application.
2. I have first-hand knowledge regarding the uncooperativeness/unavailability of the inventor Dr. Patrick M. Curry regarding execution of the declaration and assignment for the subject patent application (USSN 10/588,571).
3. At the time of the invention for the subject patent application, Dr. Curry was an employee of QLT, Inc. and one of its co-inventors.
4. As a condition of Dr. Curry's employment, all inventions created during his employment were to be assigned to QLT, Inc.
5. Dr. Curry is no longer an employee of QLT, Inc.
6. During my employment with QLT, I had the responsibility to collect Dr. Curry's signature for the declaration and assignment for the subject patent application.

7. On September 14, 2007, I sent a copy of the international phase of the subject application along with the declaration and assignment to Dr. Curry at his last known address (638 E 21st Avenue, Vancouver, BC V5V 1R7). A copy of the letter, declaration, assignment and confirmation of receipt is attached as Exhibit A.

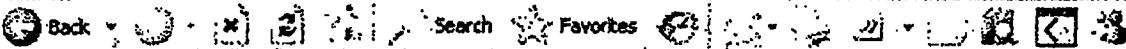
I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Cherie Davis

Signature: 

Date: September 3, 2008

EXHIBIT A

Address 

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Reports

References

Address

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Same Day Transportation: Online Ordering and TrackingStatus **Delivered**

From		To	
Name	QLT INC	Name	P. MARK CURRY
Address	887 GREAT NORTHERN WAY	Address	638 E 21 AVE
Suite/Dept	SHIP	Suite/Dept	
City, State	VANCOUVER, BC	City, State	VANCOUVER, BC
Zip Code	V5T 4T5	Zip Code	V5V 1R7
Pick up from	12-1CLS/NO DEL	Deliver to	
Telephone	604-707-7151 Ext	Telephone	
Instructions		Instructions	MAIL SLOT OK
Pieces	1	Service	04-0N6GONE
Weight (Lb)	1	Return	None
Requested By	SHIPPING DEPT.	Vehicle	
Reference	85030	BOL	

Notes

Order time	September 14, 2007 11:29AM (PDT)
Ready time	September 14, 2007
Delivery Time	September 14, 2007 12:58PM (PDT)
Signed by	MARK

Drivers **4042** Done

RE: Sample PO: Alphapr...

dxNow.com - Delivery...



QLT Inc. 887 Great Northern Way
Vancouver, BC Canada V5T 4T5
t 604.707.7000
f 604.707.7001
www.qltinc.com

BY COURIER

September 14, 2007

Dr. P. Mark Curry
638 East 21st Avenue,
Vancouver, BC V5V 1R7

US Patent Application 10/588571

Title: PHOTODYNAMIC THERAPY FOR THE TREATMENT OF ACNE

QLT Inc. ref 30005-10008.00

Dear Dr. Curry:

The subject US patent application, on which you are named as a co-inventor, was submitted to the US Patent & Trademark Office on February 4, 2005. Enclosed for your review are the published PCT application, WO 2005/074987, and the Preliminary Amendment which comprise the US patent application. Please retain these documents in case Dr. Lana Janes wishes to discuss them with you during the prosecution phase of the application. Also enclosed are 2 forms; a Declaration and an Assignment for your review and execution.

Please sign the Declaration after you have reviewed the application and prior to or on the same day as you sign the Assignment. Please return the signed Declaration to me as soon as possible, preferably by October 15th. A self-addressed envelope is enclosed for your convenience.

Please sign the Assignment in the presence of a lawyer or Notary Public. If you provide us with the lawyer's or notary's receipt, QLT will reimburse you for the charge.

If you have any questions or concerns regarding the application, please contact:

Lana E. Janes, Ph.D.
Chief Patent Counsel, Intellectual Property
Ph: 604-707-7423 [direct]
em: ljanes@qltinc.com

Yours truly,

QLT Inc.


Cherie Davis, IP Paralegal
ph: 604-707-7402 [direct]
em: cdavis@qltinc.com

enclos (3)
1000800 IP PC - Decl. Assignment 14Sep2007.doc

DECLARATION FOR PATENT APPLICATION
(Includes Reference to PCT International Applications)

ATTORNEY'S DOCKET NUMBER
149692XII600

As a below-named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PHOTODYNAMIC THERAPY FOR THE TREATMENT OF ACNE

the specification of which (check only one item below):

- is attached hereto.
- was filed as United States application

Serial No.

on

and was amended on * (if applicable)

- was filed as PCT international application

Number PCT/CA2005/000141

on 04 February 2005

and was amended under PCT Article 19

on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37 Code of Federal Regulations § 1.56(a) and (b).

I hereby claim foreign priority benefits under Title 35 United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119:

COUNTRY (if PCT indicate "PCT")	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
Canada	2457214	6 February 2004	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Canada	2470403	9 June 2004	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

Declaration for Patent Application (Continued) (Includes Reference to PCT International Application.)		ATTORNEY'S DOCKET NUMBER 249692001600																														
<p>I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.</p>																																
PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120:																																
U.S. APPLICATIONS <table border="1"> <tr> <th>U.S. APPLICATION NUMBER</th> <th>U.S. FILING DATE</th> <th>PATENTED</th> <th>PENDING</th> <th>ABANDONED</th> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>		U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED																					STATUS (Check one)					
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PCT APPLICATION NUMBER	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED (if any)	PATENTED	PENDING	ABANDONED																											
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)																																
Attorneys at Morrison & Foerster associated with CUSTOMER NO. 25225																																
Send correspondence to: Kate H. Murashige Morrison & Foerster 12531 High Bluff Drive, Suite 100 San Diego, CA 92130-2040		Direct telephone calls to: Kate H. Murashige at (858) 720-5112																														
261	FULL NAME OF INVENTOR CURAUDÉAU	FAMILY NAME CURAUDEAU	FIRST GIVEN NAME Alain	SECOND GIVEN NAME H.																												
	RESIDENCE & CITIZENSHIP West Vancouver	CITY West Vancouver	STATE OR FOREIGN COUNTRY Canada	COUNTRY OF CITIZENSHIP France																												
	POST OFFICE ADDRESS 1785 Fulton Avenue	CITY West Vancouver	STATE & ZIP CODE/COUNTRY British Columbia V7V 1S8 Canada	SECOND GIVEN NAME																												
262	FULL NAME OF INVENTOR NEYNDORFF	FAMILY NAME NEYNDORFF	FIRST GIVEN NAME Herma	SECOND GIVEN NAME C.																												
	RESIDENCE & CITIZENSHIP Vancouver	CITY Vancouver	STATE OR FOREIGN COUNTRY Canada	COUNTRY OF CITIZENSHIP The Netherlands																												
	POST OFFICE ADDRESS 1826 Grant Street	CITY Vancouver	STATE & ZIP CODE/COUNTRY British Columbia V5L 2Y8 Canada	SECOND GIVEN NAME																												
263	FULL NAME OF INVENTOR TAO	FAMILY NAME TAO	FIRST GIVEN NAME Jing-Song	SECOND GIVEN NAME																												
	RESIDENCE & CITIZENSHIP Vancouver	CITY Vancouver	STATE OR FOREIGN COUNTRY Canada	COUNTRY OF CITIZENSHIP Canada																												
	POST OFFICE ADDRESS 2450 West 18th Avenue	CITY Vancouver	STATE & ZIP CODE/COUNTRY British Columbia V6L 1B1 Canada	SECOND GIVEN NAME																												
264	FULL NAME OF INVENTOR LAM	FAMILY NAME LAM	FIRST GIVEN NAME Morgan	SECOND GIVEN NAME Chui																												
	RESIDENCE & CITIZENSHIP San Francisco	CITY San Francisco	STATE OR FOREIGN COUNTRY California, USA	COUNTRY OF CITIZENSHIP Canada																												
	POST OFFICE ADDRESS 140 Teresita Boulevard	CITY San Francisco	STATE & ZIP CODE/COUNTRY California, USA	SECOND GIVEN NAME																												
265	FULL NAME OF INVENTOR CURRY	FAMILY NAME CURRY	FIRST GIVEN NAME Patrick	SECOND GIVEN NAME Mark																												
	RESIDENCE & CITIZENSHIP Vancouver	CITY Vancouver	STATE OR FOREIGN COUNTRY Canada	COUNTRY OF CITIZENSHIP Canada																												
	POST OFFICE ADDRESS 1138 East 21st Avenue	CITY Vancouver	STATE & ZIP CODE/COUNTRY British Columbia V5V 1R7 Canada	SECOND GIVEN NAME																												
266	FULL NAME OF INVENTOR RUBINTHIK	FAMILY NAME RUBINTHIK	FIRST GIVEN NAME Valery	SECOND GIVEN NAME																												
	RESIDENCE & CITIZENSHIP Richmond	CITY Richmond	STATE OR FOREIGN COUNTRY Canada	COUNTRY OF CITIZENSHIP Canada																												
	POST OFFICE ADDRESS 11490 Argent Drive	CITY Richmond	STATE & ZIP CODE/COUNTRY British Columbia V7E 5L5 Canada	SECOND GIVEN NAME																												

PATENT
Serial No. 10'588,571
Docket No. 349692001600

201	LAST NAME OF INVENTOR	JOHN LAM	FIRST GIVEN NAME	David	INVENTOR LAST NAME	W.C.
	RESIDENCE & CITIZENSHIP	110 Surrey	STATE OR FOREIGN COUNTRY	Canada	RESIDENCE OR CITIZENSHIP	Canada
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 12722 Brecken Road	CITY	Surrey	STATE & ZIP CODE OR COUNTRY	British Columbia V4A 2X1 Canada
202	LAST NAME OF INVENTOR	JOHN LAM	FIRST GIVEN NAME		SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY		COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY		STATE & ZIP CODE OR COUNTRY	
204	LAST NAME OF INVENTOR	JOHN LAM	FIRST GIVEN NAME		SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY		COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY		STATE & ZIP CODE OR COUNTRY	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 204
Alain H. CURAUDEAU	Herma C. NEYNDORFF	Jing-Sing TAO
DATE	DATE	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
Morgan Chua LAM	Patrick Mark CURRY	Valery RUBINCHIK
DATE	DATE	DATE
SIGNATURE OF INVENTOR 207	SIGNATURE OF INVENTOR 208	SIGNATURE OF INVENTOR 209
David W.C. LAM		
DATE	DATE	DATE

**ASSIGNMENT
JOINT**

THIS ASSIGNMENT, by

Alain H. CURAUDEAU, residing at 1785 Fulton Avenue, West Vancouver, British Columbia, V7V 1S8 Canada;

Herma C. NEYNDORFF, residing at 1826 Grant Street, Vancouver, British Columbia, V5L 2Y8 Canada;

Jing-Song TAO, residing at 2450 West 18th Avenue, Vancouver, British Columbia, V6L 1B1 Canada;

Morgan Chun LAM, residing at 140 Teresita Boulevard, San Francisco, California 94127-1727, USA.

Patrick Mark CURRY, residing at 638 East 21st Avenue, Vancouver, British Columbia V5V 1R7 Canada;

Valery RUBINCHIK, residing at 10493 Yarmish Drive, Richmond, British Columbia V7E 5L5 Canada;

David W.C. HUNT, residing at 12722 Beckett Road, Surrey, British Columbia, V4A 2X1, Canada;

(hereinafter referred to as the assignors), witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in **PHOTODYNAMIC THERAPY FOR THE TREATMENT OF ACNE**, set forth in an application for Letters Patent of the United States, bearing Serial No. 10/588571 and filed on (Intl.) February 4, 2005; and

WHEREAS, QLT Inc., a corporation duly organized under and pursuant to the laws of the Province of British Columbia and having its principal place of business at 887 Great Northern Way, Vancouver, British Columbia V5T 4T5 Canada (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations, continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patents or any reissue or extension of any Letters Patents, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patents for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

Date

Alain H. Curaudeau

On this ____ day of _____, 2007, before me, Dori Assaly, Barrister & Solicitor and Notary Public, personally appeared Alain H. Curaudeau, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this assignment and statutorily declare before me upon oath that he executed the same in my presence for the uses and purposes therein expressed.

WITNESS my hand and official seal.

Dori Assaly
Barrister & Solicitor
QLT Inc,
887 Great Northern Way
Vancouver, British Columbia V5T 4T5
Canada

My Commission Does Not Expire

Date Herma C. Neyendorff

Signing of this document by Herma C. Neyendorff witnessed by:

Signature: _____

Name: _____

Address: _____

Signature: _____

Name: _____

Address: _____

Date Jing-Song Tao

On this ____ day of _____, 2007, before me, Dori Assaly, Barrister & Solicitor and Notary Public, personally appeared Jing-Song Tao, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this assignment and statutorily declare before me upon oath that he executed the same in my presence for the uses and purposes therein expressed.

WITNESS my hand and official seal.

Dori Assaly
Barrister & Solicitor
QLT Inc.
887 Great Northern Way
Vancouver, British Columbia V5T 4T5
Canada

My Commission Does Not Expire

Date

Morgan Chun Lam

On this ____ day of _____, 2007, before me, _____
Barrister & Solicitor and Notary Public, personally appeared Morgan Chun Lam, personally known to me
- OR - proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to
this assignment and statutorily declare before me upon oath that she executed the same in my presence for
the uses and purposes therein expressed.

WITNESS my hand and official seal.

Notary Public

Date

Patrick Mark Curry

On this ____ day of _____, 2007, before me, _____
Barrister & Solicitor and Notary Public, personally appeared Patrick Mark Curry, personally known to
me - OR - proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to
this assignment and statutorily declare before me upon oath that she executed the same in my presence
for the uses and purposes therein expressed.

WITNESS my hand and official seal.

Notary Public in and for
the Province of British Columbia

Date

Valery Rubinchik

On this ____ day of _____, 2007, before me, Dori Assaly, Barrister & Solicitor and Notary Public, personally appeared Valery Rubinchik, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this assignment and statutorily declare before me upon oath that he executed the same in my presence for the uses and purposes therein expressed.

WITNESS my hand and official seal.

Dori Assaly
Barrister & Solicitor
QLT Inc.
887 Great Northern Way
Vancouver, British Columbia V5T 4T5
Canada

My Commission Does Not Expire

Date

David W. C. Hunt

On this ____ day of _____, 2007, before me, Dori Assaly, Barrister & Solicitor and Notary Public, personally appeared David W. C. Hunt, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this assignment and statutorily declare before me upon oath that he executed the same in my presence for the uses and purposes therein expressed.

WITNESS my hand and official seal.

Dori Assaly
Barrister & Solicitor
QLT Inc.
887 Great Northern Way
Vancouver, British Columbia V5T 4T5
Canada

My Commission Does Not Expire